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May 16, 2000

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Megalie Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C., 20554

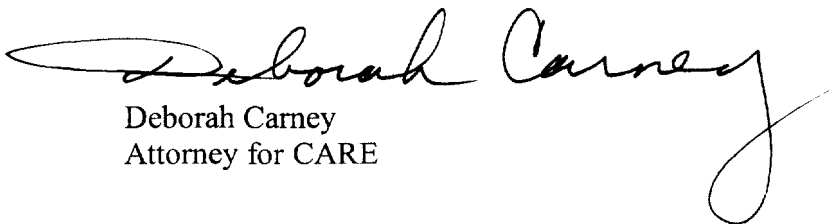
RE: MM Docket No. 00-39 In the Matter of Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television

Dear Secretary Salas,

Enclosed please find one original and 4 copies of Canyon Area Residents for the Environment's Public Comments on MM Docket No. 00-39. These comments incorporate by reference our extensive filings last week in DA 00-764. Also enclosed are the Public Comments of Carole Lomond.

Sincerely,

CARNEY LAW OFFICE

  
Deborah Carney  
Attorney for CARE

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
Review of the Commission's )

Rules and Policies )  
Affecting the Conversion to Digital )  
Television )

MM Docket No. 00-39

CANYON AREA RESIDENTS FOR THE ENVIRONMENT PUBLIC COMMENTS  
ON THE RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL  
TELEVISION

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Affecting the Conversion to Digital )  
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CANYON AREA RESIDENTS FOR THE ENVIRONMENT PUBLIC COMMENTS  
ON THE RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL  
TELEVISION

Digital TV coverage should not be required to duplicate analog coverage. The neighborhood inhabited by Canyon Area Residents for the Environment (C.A.R.E.) is subjected to negative effects of the old analog that would be greatly increased by requiring digital at the same location. These negative effects are described in detail in CARE's previous submissions to the FCC, In the Matter of Lake Cedar Group LLC's Petition for Expedited Special Relief And Declaratory Ruling Seeking Preempting of a Resolution by the Board of County Commissioners of Jefferson County, Colorado DA 00-764.

Lookout Mountain is the site for a proposed supertower for digital, analog and FM antennas on Lookout Mountain above Golden, Colorado. After the Jefferson County Commissioners denied the rezoning, the proponent broadcasters known as Lake Cedar Group (LCG) appealed to district court and then filed a petition with the FCC to preempt the Jefferson County zoning decision. These comments and others opposing preemption should be available

on the FCC website at: [http://www.fcc.gov/Bureaus/Mass\\_Media/Filings/](http://www.fcc.gov/Bureaus/Mass_Media/Filings/) shortly and are incorporated by reference into this filing.

CARE filed Initial Comments In Opposition to Lake Cedar Group's Petition for Expedited Special Relief and Declaratory Ruling on December 7, 1999 and further comments on May 10, 2000. The comments filed May 10, 2000 documented numerous adverse consequences of siting DTV in the nonoptimal area of Lookout Mountain. Forcing a locality to be subjected to these adverse consequences against their will by FCC preemption of local zoning authority raises serious Constitutional issues and as shown in the following filings in DA 00-764 which are also incorporated by reference:

- I. National Association of Counties, National League of Cities, Denver, Arvada, Aurora, Brighton, Castle Rock, Cherry Hills Village, Commerce City, Douglas County, Englewood, Edgewater, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge, Chicago, Cook County, Illinois and 50 other Illinois municipalities, Detroit, Ft. Worth and the Texas Coalition of Cities on Franchised Utility Issues and many others.
- II. Colorado Legislature Resolution Against Preemption of Jefferson County Zoning Decision
- III. Jefferson County's filings

There are alternate sites available to provide the Denver Metropolitan area with digital television without the negative neighborhood consequences and with even better coverage. These are detailed in "An Alternative Analysis of DTV Tower Sites to Serve the Denver Area." by electrical engineers; Hislop, Martin, and Larson as well as the separate DA 00-764 filings of alternative sites, Squaw Mountain Communications and @Contact.

The public should not be doomed to being subjected to the replication of the previous mistakes that occurred at some analog sites. When analog first came into being, the antennas could only be omni directional. The use of omni directional analog antennas led to inefficient coverage that put large amounts of signal into uninhabited areas or high-powered radiation

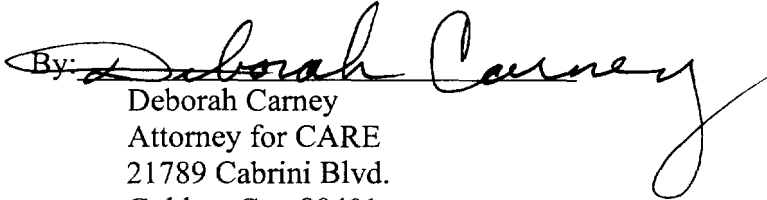
beams directly into nearby residents living at the same altitude. The negative influences of high powered broadcast antennas sited in mountainous residential neighborhoods with residents at the same altitude as the main beams are documented. The FCC has been unable to prevent the RF levels in publicly accessible areas on Lookout Mountain from exceeding the limits for any significant amount of time and the FCC has shown no interest in relieving the population from the adverse effects of blanketing interference. (CARE May 10,2000 FCC filing in DA 00-764 pages 32-44) Every time the FCC has come out to measure the radiation on Lookout Mountain, the RF levels have exceeded the FCC standards in these residential areas.

DTV can be directional. There is no need to duplicate the inefficient coverage of the old analog signals. If original analog sites are in non-optimal areas, permitting nonduplication of coverage areas allows digital TV to move to areas more optimal. Repeaters and boosters can bring signal to populations with shadowing problems. Furthermore, the technological revolution since the advent of analog broadcast now brings television to 70% of all viewers by satellite or cable and continues to grow with technologies such as fiber optic networks.

HDTV receivers will always be too expensive for mass-market adoption. (DTV Buyer, October 1999, "Digital TV Strategy "In Disarray"<http://www.dtvbuyer.com/Htm/Homeset1.htm> Attached as Exhibit 1) "Strategy Analytics predicts that less than 5% of US households will be watching over-the-air DTV by 2005." Id. These facts mean that there is time to deploy digital broadcast television in a way that maximizes all the public policy interests involved rather than just the rapid deployment of broadcast digital broadcast television. Rigid regulations such as requiring that coverage be "duplicated" do not fit with the reality of the situation or serve the overall public interest.

Respectfully submitted,

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## Digital TV Strategy "In Disarray"

Less than 5% of Households Will Be Watching DTV by 2005



BOSTON, MA – The FCC's plan to convert US households to digital television by 2006 is on the verge of collapsing, according to a new report by consultants, Strategy Analytics, Inc. The report identifies key reasons for the strategy's failure and suggests a new approach allowing for the return of analog broadcast spectrum by 2013.

The report – "Interactive and Digital Television: Issues in the Transition Phase" – has been released to subscribers to Strategy Analytics' Interactive Home strategic advisory service. Strategy Analytics provides information and insights which help competitors develop strategies in home electronics and new media, communications and computing business.

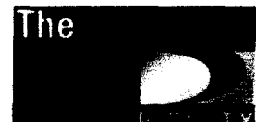
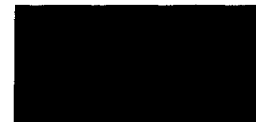
Terrestrial broadcasters can use their digital (DTV) capacity for either HDTV (High Definition TV) or SDTV (Standard Definition TV). There is currently debate over whether the industry should change technical specifications of the ATSC standard.

However, the Strategy Analytics report suggests that there is still no proven business model for either HDTV or SDTV, whichever technical standard is adopted. HDTV receivers will always be too expensive for mass market adoption. The SDTV option is under threat from satellite and cable operators, which are rapidly converting their customer base to superior digital services. The analysts conclude that, over the coming decade, terrestrial broadcasting will continue to lose share to cable and satellite, and eventually to Internet-based online video distribution.

The report also highlights the difficulties associated with providing digital services to multi-device households. More than a quarter of US households own three or more TV receivers, most of which rely on over-the-air NTSC. Every set must be capable of receiving digital signals before analog broadcasting can be switched off.

The report recommends a Universal Broadband strategy, encouraging universal dependence on non-terrestrial broadcasting, and eventually allowing analog terrestrial spectrum to be switched off and replaced by digital.

## TRINITY



*"Analog broadcasting is an anachronism in today's digital world, but it also fulfills a public service role," says David Mercer, Senior Analyst with Strategy Analytics. "Switching off NTSC will be a far greater challenge than most people realize."*

Strategy Analytics predicts that less than 5% of US households will be watching over-the-air DTV by 2005. Terrestrial broadcasters are expected to use their digital capacity increasingly for data services.

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